

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Northern District of New York

UNITED STATES OF AMERICA

v.

Brian LAZORE,

Case No. 8:22-MJ-201 (GLF)

Defendant.

CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 28, 2022, in the county of Franklin in the Northern District of New York the defendant violated:

Code Section
8 U.S.C. § 1324(a)(1)(A)(i)

Offense Description
Any person who, knowing that certain persons are aliens, brings to or attempts to bring to the United States in any manner whatsoever, such persons at a place other than a designated port of entry or place other than as designated by the Commissioner.

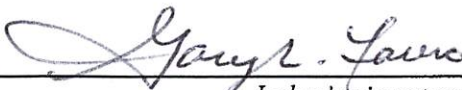
This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Border Patrol Agent Intelligence Tyler W Shaver

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: APRIL 30, 2022

*Judge's signature*City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

This criminal complaint is based on these facts:

On April 28, 2022, at approximately 6:50 a.m., Akwesasne Mohawk Police Service (AMPS) notified Saint Regis Mohawk Tribal Police Department (SRMTP) of a vessel containing multiple subjects traveling from Canada toward the United States (U.S.). AMPS originally received the information from an off-duty Cornwall City Police Officer, who observed the boat leaving the Monte Carlo Hotel in Cornwall, Ontario, Canada occupied with six to eight people on board.

SRMTPD responded to the last known location of the vessel and witnessed the vessel sinking in the St. Regis River, located in Hogansburg, New York. The vessel's location was approximately 30 yards from shore and approximately 800 feet from the international boundary between the U.S. and Canada. SRMTPD notified Swanton Sector Communications who dispatched United States Border Patrol (USBP) Agents for assistance. The weather conditions at the time were approximately 32 degrees Fahrenheit with the water temperatures reading approximately 40 degrees at the surface.

Agents responded and witnessed seven individuals standing in a vessel with the top of a boat motor visible and approximately 1 inch of the bow above the water surface. One individual, later identified as Brian LAZORE, dressed in a black sweatshirt with black pants and a red hat, proceeded to exit the sinking vessel and walked to shore. St. Regis Mohawk Fire and Rescue responded with a vessel and recovered the remaining six individuals from the water.

All parties were transported to the Massena Memorial Hospital (MMH) by Hogansburg Akwesasne Rescue Squad to be treated for possible hypothermia and cleared by medical professionals. Once cleared by MMH personnel, the USBP took custody of six Indian nationals identified as, N.A. PATEL, D.H. PATEL, N.E. PATEL, U. PATEL, S. PATEL, and D.A. PATEL. The subjects and their property were transported to the Massena Border Patrol Station for further processing and investigation. LAZORE was transported to Champlain Valley Physicians Hospital (CVPH) located in Plattsburgh, New York for further evaluation. A uniformed USBP agent accompanied LAZORE during this medical visit.

At the station, record checks run through Swanton Sector Communications revealed N.A. PATEL, D.H. PATEL, N.E. PATEL, U. PATEL, S. PATEL, and D.A. PATEL, had no valid entries into the U.S. and they had not been admitted or paroled into the U.S. through a valid Port of Entry (POE).

N.E.PATEL was issued *Miranda* warnings and asked if he would like to speak to agents without a lawyer present. N.E. PATEL then responded by making an excited utterance stating, "I reached Canada, an agent let me on a boat, on a boat it sunk, we were going to die, police saved us." Agents then asked N.E. PATEL again if he was willing to have a conversation without a lawyer present, to which he stated "No." All questions ceased at this time.

S. PATEL was issued *Miranda* warnings and agreed to speak to agents freely without a lawyer present. S. PATEL stated he flew into Canada on April 21, 2022 and stayed briefly with a friend. S. PATEL then stated he decided he wanted to come to the U.S. and boarded a boat. S. PATEL stated he knew this was not a typical manner to enter the U.S. and did not show his passport to any person. S. PATEL stated he was on the boat for approximately one hour, and for approximately twenty-five minutes the boat had water issues. S. Patel stated the boat operator, LAZORE, asked the subjects if they could swim. S. PATEL stated all six individuals told LAZORE, "no swim." S. PATEL stated none of the six subjects were provided any life vests or water safety equipment to aid the non-swimmers.